

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

CHRISTOPHER BARBOUR,

Petitioner,

-vs-

Civil Action No. 2:01cv612-ECM

JEFFERSON S. DUNN, Commissioner,
Alabama Department of Corrections,

Respondent.

JOINT STATUS REPORT

Come now Respondent, by and through the Attorney General for the State of Alabama, and Petitioner, by and through undersigned counsel for Petitioner, and, pursuant to this Court's March 30, 2021 order granting limited discovery, provide the following status report:

1. As described in the parties' joint status report, filed August 2, by agreement of the parties, Forensic Analytical Crime Laboratory ("FACL") Director, Alan Keel, commenced testing orifice swabs from the crime scene in the above-captioned case. Again, pursuant to the parties' agreement, Mr. Keel began with the vaginal swab, because in his estimation, it was most likely to yield probative results given the quality and quantity of DNA present, and unlike the anal swab, testing it would not require consumption of all the DNA on the specimen.
2. At the same time, with the parties' consent, Mr. Keel prepared the reference samples from Christopher Barbour, alleged co-defendant Christopher Hester, and Thelma Roberts's estranged husband, Melvin Roberts, for DNA testing.

3. On August 5, Mr. Keel emailed Petitioner's counsel and stated that Mr. Barbour, Mr. Hester, and Mr. Roberts had all been eliminated as the source of the semen on the vaginal swab taken from Mrs. Roberts after she was killed:

Reference specimens are typed; manual and STRmix analysis confirm Thelma Roberts as the source of the vaginal swab epithelial cell fraction; and Melvin Roberts, Barbour, and Hester eliminated the source of the semen on the vaginal swab. The sperm DNA profile which includes 20 STRs including all 13 original core loci should be more than adequate for CODIS. The vaginal results are unequivocal.

4. Petitioner's counsel forwarded Mr. Keel's August 5 email to Respondent's counsel.
5. Petitioner's counsel spoke with Mr. Keel on August 23 to discuss his recommendations for the order of testing additional items of evidence. Mr. Keel recommends testing the knife presumed to be the murder weapon, pajama bottoms of Mrs. Roberts, and a beer can found at the crime scene. Respondents consent to the proposed testing of Ms. Roberts' pajamas, the knife, and the beer can. Further, the parties are discussing whether to perform testing on the anal swab.
6. In the meantime, in order not to delay the vaginal swab's DNA results' comparison with the CODIS database, Mr. Keel is preparing the report necessary to forward the report to the Acadiana Laboratory which will complete the CODIS comparison. As soon as that report is completed, Mr. Keel will forward it to Acadiana.

Respectfully submitted,

/s/ George H. Kendall

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CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2021, a copy of the foregoing pleading was served by operation of the Court's ECF system on:

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/s/ George H. Kendall
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